IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 19018 of 2006(L)

PETITIONER:

SUBAIDA K.A., AGED 32 YEARS,
D/O. ANDRAMAM, (FORMER PEON, ADVOCATE GENERAL'S OFFICE, ERNAKULAM) RESIDING AT KUTTIKAD HOUSE, P.O.AZHEECKAL, ERNAKULAM DISTRICT.

BY ADV. SRI.P.S.SIDHAN

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, SOCIAL WELFARE (A) DEPARTMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF SOCIAL WELFARE, VIKAS BHAVAN, TRIVANDRUM.

3. THE ADVOCATE GENERAL, OFFICE OF THE ADVOCATE GENERAL, ERNAKULAM.

BY GOVT. PLEADER SHRI.P.NANDAKUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

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WP(C).No.19018 of 2006-L.
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Dated this the 27th day of February, 2007.

J U D G M E N T

The petitioner, admittedly, is a physically challenged person. She was appointed as per Rule 9 (a)(i) of K.S. & S.S.R. for a period of 179 days. Her date of commencement of service falls between 15-8-1998 and 15-8-1999. To complete the full period of 179 days, she had to work beyond 15-8-1999. However, she is entitled to the benefit of G.O.(P) No.33/2005/SWD, dated 5-3-2005 as construed by the Division Bench in the judgment in WA.No.1601 of 2006. The ratio of the above decision squarely applies to the facts of this case. It is so declared.

2. Those continuing either on the basis of the orders of this Court or otherwise, shall be allowed to continue and their services regularised by passing appropriate orders. In the case of the petitioner whose service has been terminated, the Government

shall take immediate steps to reinstate her in service and regularise her service. This shall be done within two months from the date of receipt of a copy of this judgment.

The writ petition is allowed as above.

K.K.DENESAN, JUDGE.

kvs/-